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(2)

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America

ORDER OF DETENTION PENDING TRIAL

			V.			
	Julio	Cesar	r Sanchez-Leyva	Case Number:	15-01671MJ-001	
			e Bail Reform Act, 18 U.S.C. § 3142 ablished: <i>(Check one or both, as applic</i>		n submitted. I conclude that the	
	-	clear and convincing evidence the defendant is a danger to the community and require the detention of the defendant nding trial in this case.				
P	• .	reponderance of the evidence the defendant is a serious flight risk and require the detention of the defendant g trial in this case.				
			PART I	FINDINGS OF FACT		
	(1)	18 U.S.C. §3142 (e)(2)(A): The defendant has been convicted of a (federal offense)(state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is				
			a crime of violence as defined in	n 18 U.S.C. § 3156(a)(4).		
			an offense for which the maximu	um sentence is life imprisonment	or death.	
			an offense for which a maximum	n term of imprisonment of ten yea	rs or more is prescribed in	
			a felony that was committed after offenses described in 18 U.S.C.	er the defendant had been convic § 3142(f)(1)(A)-(C), or comparate	ted of two or more prior federal ble state or local offenses.	
			any felony that involves a minor device (as those terms are defin to register under 18 U.S.C. §225	ed in section 921), or any other o	ssion or use of a firearm or destructive angerous weapon, or involves a failure	
	(2)	18 U.S.C. §3142(e)(2)(B): The offense described in finding 1 was committed while the defendant was on release pending trial for a federal, state or local offense.				
	(3)	18 U.S.C. §3142(e)(2)(C): A period of not more than five years has elapsed since the (date of conviction)(release of the defendant from imprisonment) for the offense described in finding 1.				
	(4)	Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of condition will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant hot rebutted this presumption.				
			Alt	ernative Findings		
	(1)	18 U.S	S.C. 3142(e)(3): There is probable	e cause to believe that the defend	ant has committed an offense	
			for which a maximum term of im	prisonment of ten years or more	is prescribed in	
			under 18 U.S.C. § 924(c), 956(a	a), or 2332b.		
			under 18 U.S.C. 1581-1594, for prescribed.	which a maximum term of impris	onment of 20 years or more is	

The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

an offense involving a minor victim under section _

¹Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 et seq.); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 et seq.); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).

²Insert as applicable 18 U.S.C. §§1201, 1591,2241-42, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3, 2252(a)(4), 2260, 2421, 2422, 2423, or 2425.

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	Alternative Findings
(1)	There is a serious risk that the defendant will flee; no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
(2)	No condition or combination of conditions will reasonably assure the safety of others and the community.
3)	There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror).
(4)	
	PART II WRITTEN STATEMENT OF REASONS FOR DETENTION (Check one or both, as applicable.)
1)	I find that the credible testimony and information ³ submitted at the hearing establishes by clear and convincing evidence as to danger that:
(2)	I find that a preponderance of the evidence as to risk of flight that:
X X	The defendant is not a citizen of the United States.
K	The defendant, at the time of the charged offense, was in the United States illegally.
	If released herein, the defendant faces deportation proceedings by the Bureau of Immigration and Customs Enforcement, placing him/her beyond the jurisdiction of this Court.
	The defendant has no significant contacts in the United States or in the District of Arizona.
	The defendant has no resources in the United States from which he/she might make a bond reasonably calculated to assure his/her future appearance.
\$ 1	The defendant has a prior criminal history.
	The defendant lives and works in Mexico.
	The defendant is an amnesty applicant but has no substantial ties in Arizona or in the United States and has substantial family ties to Mexico.
	There is a record of prior failure to appear in court as ordered.
	The defendant attempted to evade law enforcement contact by fleeing from law enforcement.
	The defendant is facing a minimum mandatory of incarceration and a maximum of
The c	defendant does not dispute the information contained in the Pretrial Services Report, except:

³The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the [detention] hearing. 18 U.S.C. § 3142(f). See 18 U.S.C. § 3142(g) for the factors to be taken into account.

	In addition:					
	The Court incorporates by reference the findings of the Pretrial Services Agency which were reviewed by the Court at the					
	time of the hearing in this matter.					
	PART III DIRECTIONS REGARDING DETENTION					
pendin	The defendant is committed to the custody of the Attorney General or his/her designated representative for confinement or prections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custodying appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court eding.					
	PART IV APPEALS AND THIRD PARTY RELEASE					
Distric from the objection	IT IS ORDERED that should an appeal of this detention order be filed with the District Court, it is counsel's responsibility ver a copy of the motion for review/reconsideration to Pretrial Services at least one day prior to the hearing set before the court. Pursuant to Rule 59(a), FED.R.CRIM.P., effective December 1, 2009, Defendant shall have fourteen (14) days the date of service of a copy of this order or after the oral order is stated on the record within which to file specific written ions with the district court. Failure to timely file objections in accordance with Rule 59(a) may waive the right to review. FED.R.CRIM.P.					
Pretria intervi	IT IS FURTHER ORDERED that if a release to a third party is to be considered, it is counsel's responsibility to notify all Services sufficiently in advance of the hearing before the District Court to allow Pretrial Services an opportunity to ew and investigate the potential third party custodian.					
DATE	: September 10, 2015					

JAMES F. METCALF United States Magistrate Judge

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